

From the Executive Summary of the Technical Evaluation of the Gold King Mine Incident, developed by the Bureau of Reclamation of the US Department of Interior, dated October 2015:

It is important to note that although the USACE peer reviewer agreed that the report properly describes the technical causes of the failure, he had serious reservations with the chronology of events internal to EPA from the day of the telephone call to BOR and up to the day of the mine failure. He pointed out that the actual cause of failure is some combination of issues related to EPA internal communications, administrative authorities, and/or a break in the decision path, and that the report was non-specific regarding the source of information concerning EPA documents and interviews with EPA employees and the onsite contractor. The USACE believes that the investigation and report should have described what happened internal within EPA that resulted in the path forward and eventually caused the failure. The report discusses field observations by EPA (and why they continued digging), but does not describe why a change in EPA field coordinators caused the urgency to start digging out the plug rather than wait for BOR technical input as prescribed by the EPA project leader.

Also from the same report, pages 44-45:

On or about July 23, 2015, the EPA OSC (On Scene Coordinator), who was the project leader, made a brief telephone call (about 2 minutes) to Mr. Gobla at BOR to ask if funding of \$4,000 had finally been transferred to BOR for the Red and Bonita Mine. He requested that Mr. Gobla travel to the site. The EPA OSC project leader explained he was about to leave for vacation and wanted a site visit on August 14, 2015, which would be his first day back from vacation. The EPA OSC project leader stated that the upstream form for the bulkhead had been placed in the Red and Bonita Mine and they would be placing concrete in a few days. He went on to say that he did not want any more review of the Red and Bonita Mine; the purpose of the site visit on August 14, 2015, would be for the Gold King Mine as he was "unsure about the plans for the Gold King Mine" and wanted an outside independent review of the EPA/DRMS plans by BOR. The EPA OSC project leader scheduled to have DRMS and contractor personnel in Silverton on August 14, 2015, to present the plans to BOR and be available to answer questions. This was the first time that BOR had heard of the Gold King Mine. The plan was for Mr. Gobla to travel on August 13, 2015, and be onsite all day August 14, 2015; this plan was confirmed, and the call ended without any further discussion about the project or what it would involve.

The internal communication issue flagged by the USACE peer reviewer was not addressed in the internal review conducted by EPA. The following questions will be posed during follow-up internal EPA interviews of the two On-Scene Coordinators:

#### Potential Interview Questions:

##### Communication with BOR prior to August 5 [these questions for Steve Way]

- Can you please provide all work planning documents regarding the work during the week of August 3 and the planned consultation on August 14 and any subsequent planned work.
- Did you contact Mike Gobla to discuss the Gold King Mine?
- What day did you contact Mike Gobla?
- What was the purpose of the call?
- Did you make any notes of the call? If so, may I have them?
- Would you please repeat for me now the entire phone call, as best you can?

- The DOI report indicates that funding was being transferred from EPA to Bureau of Reclamation. How much funding was being transferred? Was that funding for Red and Bonita Mine, Gold King Mine, or both? What specific activities were to be supported by that funding? Are there any other funding related issues that are relevant to the BOR support at Gold King Mine?
- Was this the first transfer of funds, or had prior funding been provided? If so for what purpose?
- Did you ask Mike Gobla to visit the Gold King Mine or the Red and Bonita Mines or both on August 14?
- What was the intended purpose of Mike Gobla's visit on August 14?
- Did you express to Mike Gobla during your call that you were "unsure about the plans for the Gold King Mine?" If so, why? What were you unsure of?
- Did you discuss with the EPA internal review team your contact with Mike Gobla in late July and plans to meet with him in mid-August? If not, why not? Was there any discussion about prior or ongoing coordination with BOR?

Hand off of site management from Steve Way to Hays Griswold [these questions for Steve Way]

- What days were you on vacation in July and August 2015?
- Was another OSC covering your sites on the days you were out on vacation? Who? Which sites? How was that OSC selected?
- How far in advance did you plan for another OSC to cover your sites?
- Did you plan that site work would be conducted while you were out? Why was this work to be conducted while you were out, and was it critical that it be conducted while you were out?
- If you were not on vacation, would you have been on-site for this type of activity? Approximately, on average, how many days per month are you on site? What types of actions require your physical presence at the site?
- What specific instructions did you leave to the person covering Gold King Mine when you were out on vacation? Were these instructions verbal or in writing? Did you specifically address what work if any should or should not be done regarding opening the adit at Gold King Mine?
- Do you believe that the OSC followed all of your specific instructions? Why – eg, is the belief based on observations or conversations? What observations? If conversations, with whom?
- How far in advance did you discuss the work to be conducted at Gold King with the OSC covering the site while you were on vacation?
- How did the work carried out at the Gold King Mine on August 4 and 5 relate to your planned meeting with Mike Gobla on August 14?
- Did the work plans for Gold King Mine envision two distinct phases of activities, one during the week of August 3 and the other after August 14?
- Page 52 of the DOI report indicates the plan on August 5, 2015, was to open the Gold King Mine adit. Is this a correct characterization of the work you had asked Hays to carry out and do you believe that is what Hays was doing on August 5?
- If Hays was not opening up the adit, do you believe the work being conducted at the site was to establish clearer lines of sight so that the consultation on August 14 would be more effective?
- Is there anything else you think we should know but that we have not yet asked you about? Do you have any other notes or other pertinent written records that you have not already given me?

Hand off of site management from Steve Way to Hays Griswold [these questions for Hays Griswold]

- Did Steve Way ask you to cover his sites for him while he was on vacation?

- How far in advance did Steve discuss his vacation and his request for you to cover Gold King Mine for him?
- Were your managers aware that you had been asked to cover Steve Way's sites? If so, which managers were aware, to your knowledge? Do you have any written records regarding this?
- Were you at the Gold King Mine prior to August 4, 2015? When? How many times?
- Had you discussed Gold King Mine with Steve Way at any point in 2014?
- Were you at the Gold King Mine on August 4 and 5, 2015?
- What instructions did Steve Way give you for the work that was needed to be done, or specifically not done, at the Gold King Mine while he was on vacation? Were the instructions verbal or written? If written, may we have a copy?
- What was the purpose of your work at the Gold King Mine on August 4 and 5, 2015?
- Please describe the work being done on August 5.
- Page 52 of the DOI report indicates the plan on August 5, 2015, was to open the Gold King Mine adit. Is this a correct characterization of the work being done on August 5?
- If the work being done was not to open the adit, please describe what exactly was the work being done at the site and how did it relate to the BOR August 14<sup>th</sup> visit? For instance was the work being done to establish clearer line of sight for the August 14<sup>th</sup> consultation with BOR?
- If work was not being done to open the adit, please describe how this was communicated to the DOI when they were conducting the independent review.
- Did the work plans for Gold King Mine envision two distinct phases of activities, one during the week of August 3 and the other after August 14?
- Is there anything else you think we should know but that we have not yet asked you about? Do you have any other notes or other pertinent written records that you have not already given me?

Other potential areas of questioning:

- Nature of involvement of State DRMS personnel in the activities at Gold King Mine [visits to site, advisory roles, etc.]
- Understanding of the nature of the blockage in adit [geology, physical nature, actual size and location of adit opening, etc.]
- Related to the presentations to and communication with the ARSG: Was the plan fully vetted and was input sought and provided?